

SENATE CONSERVATION COMMITTEE SUBSTITUTE FOR  
SENATE BILL 410

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

AN ACT

RELATING TO LOCAL GOVERNMENTS; REQUIRING CERTAIN ELEMENTS IN  
COMPREHENSIVE PLANS FOR COUNTIES THAT ADOPT SUBDIVISION  
REGULATIONS MORE STRICT THAN THOSE IN THE NEW MEXICO  
SUBDIVISION ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 1. Section 47-6-9 NMSA 1978 (being  
Laws 1973, Chapter 348, Section 9, as amended) is amended to  
read:

"47-6-9. SUBDIVISION REGULATION-- COUNTY AUTHORITY. --

A. The board of county commissioners of each county  
shall regulate subdivisions within the county's boundaries. In  
regulating subdivisions, the board of county commissioners of  
each county shall adopt regulations setting forth the county's  
requirements for:

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underscored material = new  
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SCONC/SB 410

1 (1) preliminary and final subdivision plats,  
2 including their content and format;

3 (2) quantifying the maximum annual water  
4 requirements of subdivisions, including water for indoor and  
5 outdoor domestic uses;

6 (3) assessing water availability to meet the  
7 maximum annual water requirements of subdivisions;

8 (4) water conservation measures;

9 (5) water of an acceptable quality for human  
10 consumption and for protecting the water supply from  
11 contamination;

12 (6) liquid waste disposal;

13 (7) solid waste disposal;

14 (8) legal access to each parcel;

15 (9) sufficient and adequate roads to each  
16 parcel, including ingress and egress for emergency vehicles;

17 (10) utility easements to each parcel;

18 (11) terrain management;

19 (12) phased development;

20 (13) protecting cultural properties,  
21 archaeological sites and unmarked burials, as required by the  
22 Cultural Properties Act;

23 (14) specific information to be contained in a  
24 subdivider's disclosure statement in addition to that required  
25 in Section 47-6-17 NMSA 1978;

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1 (15) reasonable fees approximating the cost to  
 2 the county of determining compliance with the New Mexico  
 3 Subdivision Act and county subdivision regulations while  
 4 passing upon subdivision plats;

5 (16) a summary procedure for reviewing certain  
 6 type-three and all type-five subdivisions as provided in  
 7 Section 47-6-11 NMSA 1978;

8 (17) recording all conveyances of parcels with  
 9 the county clerk;

10 (18) financial security to assure the  
 11 completion of all improvements that the subdivider proposes to  
 12 build or to maintain;

13 (19) fencing subdivided land, where  
 14 appropriate, in conformity with Section 77-16-1 NMSA 1978,  
 15 which places the duty on the purchaser, lessee or other person  
 16 acquiring an interest in the subdivided land to fence out  
 17 livestock; and

18 (20) any other matter relating to subdivisions  
 19 that the board of county commissioners feels is necessary to  
 20 promote health, safety or the general welfare.

21 B. Subsection A of this section does not preempt  
 22 the authority of any state agency to regulate or perform any  
 23 activity that it is required or authorized by law to perform

24 C. ~~[The following counties shall adopt regulations~~  
 25 ~~pursuant to this section on or before July 1, 1996:~~

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1 ~~Bernalillo, Dona Ana and Santa Fe.~~

2 ~~D. All remaining counties shall adopt regulations~~  
3 ~~pursuant to this section on or before July 1, 1997.~~

4 E.] Nothing in the New Mexico Subdivision Act shall  
5 be construed to limit the authority of counties to adopt  
6 subdivision regulations with requirements that are more  
7 stringent than the requirements set forth in the New Mexico  
8 Subdivision Act, provided that:

9 (1) the county has adopted a comprehensive  
10 plan in accordance with Section 3-21-5 NMSA 1978 [~~and those~~  
11 ~~regulations are consistent with such plan~~];

12 (2) the comprehensive plan contains goals,  
13 objectives and policies that identify and explain the need for  
14 requirements that are more stringent; and

15 (3) the more stringent regulations are  
16 specifically identified in the comprehensive plan as the  
17 minimum regulations necessary to implement the goals,  
18 objectives and policies of the comprehensive plan. "